

EXHIBIT A

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Short Caption: Jessica Freeman v. Chipotle Mexican Grill, Inc. et al

Case Type: Torts - Other (Employment Discrimination)

Case Status: Pre-RJI

eFiling Status: Partial Participation Recorded

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#	Document	Filed By	Status
1	SUMMONS + COMPLAINT	Harris, C. Filed: 05/09/2022 Received: 05/09/2022	Processed Confirmation Notice
2	AFFIRMATION/AFFIDAVIT OF SERVICE	Phillips, W. - filed by united process service, inc. Filed: 05/27/2022 Received: 05/27/2022	Processed Confirmation Notice
3	AFFIDAVIT of mailing	Phillips, W. - filed by united process service, inc. Filed: 05/27/2022 Received: 05/27/2022	Processed Confirmation Notice
4	STATEMENT OF AUTHORIZATION FOR ELECTRONIC FILING	Phillips, W. - filed by united process service, inc. Filed: 05/27/2022 Received: 05/27/2022	Processed Confirmation Notice
5	AFFIRMATION/AFFIDAVIT OF SERVICE	Phillips, W. - filed by united process service, inc. Filed: 06/02/2022 Received: 06/02/2022	Processed Confirmation Notice

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU**

-----X Index No.

JESSICA FREEMAN,

Plaintiff,

-against-

CHIPOTLE MEXICAN GRILL, INC. and
CHIPOTLE SERVICES LLC d/b/a CHIPOTLE
MEXICAN GRILL,

Defendants.

Plaintiff designates: NASSAU
COUNTY as the Place of trial

SUMMONS

The basis of the venue is:
The County in which Defendants'
offices are located

-----X

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the inconvenience relief demanded in the complaint.

Dated: New York, New York
May 9, 2022

**PHILLIPS & ASSOCIATES,
ATTORNEYS AT LAW, PLLC**

By: /s/ Cathryn Harris-Marchesi
Cathryn Harris-Marchesi, Esq.
Darnisha Lewis-Bonilla, Esq.
Attorneys for Plaintiff
585 Stewart Avenue, Suite 410
Garden City, New York 11530
(212) 248-7431
Charris-marchesi@tpglaws.com
Dlewis-bonilla@tpglaws.com

FILED: NASSAU COUNTY CLERK 05/09/2022 04:07 PM

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 05/09/2022

CHIPOTLE MEXICAN GRILL, INC.

Via Registered Agent
80 State Street
Albany, New York 11207

CHIPOTLE SERVICES, LLC

Via Place of Business
610 Newport Center Drive, Suite #1300
Newport Beach, CA 92660

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X Case No.

JESSICA FREEMAN,

Plaintiff,

COMPLAINT

- against -

**PLAINTIFF DEMANDS
A TRIAL BY JURY**

CHIPOTLE MEXICAN GRILL, INC., and
CHIPOTLE SERVICES, LLC d/b/a CHIPOTLE
MEXICAN GRILL,

Defendants.

-----X

JESSICA FREEMAN, ("Plaintiff"), by and through her attorneys, PHILLIPS & ASSOCIATES, Attorneys at Law, PLLC, against CHIPOTLE MEXICAN GRILL, INC., and CHIPOTLE SERVICES, LLC d/b/a CHIPOTLE MEXICAN GRILL, ("Defendants"), alleges upon knowledge as to herself and her own actions and upon information and belief as to all other matters as follows:

NATURE OF THE CASE

1. Plaintiff complains pursuant to the discrimination provisions of the discrimination provisions of the New York State Human Rights Law, New York State Executive Law § 296, *et seq.* ("NYSHRL"), and seeks damages to redress the injuries Plaintiff has suffered as a result of being discriminated against by her employer on the basis of her sexual orientation.

PARTIES

2. At all relevant times herein, Plaintiff was and is a resident of the State of New York. She was and is a "person" and "employee" entitled to protection as defined by the NYSHRL. Plaintiff, a gay female, is in a protected class with respect to the NYSHRL.

3. Defendant, CHIPOTLE MEXICAN GRILL, INC. is upon information and belief, a foreign corporation duly incorporated in the State of California, doing business in the State of New York, County of Nassau. CHIPOTLE MEXICAN GRILL, INC. is, upon information and belief, an “employer” within the meaning of the statutes invoked hereunder.
4. Defendant CHIPOTLE SERVICES, LLC d/b/a CHIPOTLE MEXICAN GRILL, is a foreign Limited Liability Company doing business within the State of New York, County of Nassau, and is a wholly owned subsidiary of Defendant Chipotle Mexican Grill, Inc. Chipotle Services, LLC is upon information and belief an “employer” within the meaning of the statutes invoked hereunder.

MATERIAL FACTS

5. In or about October of 2019, Plaintiff began employment for Defendants as an Apprentice/General Manager.
6. Plaintiff was earning a salary of \$56,000 per year.
7. Plaintiff was undergoing a period of apprenticeship in preparation for being named to the position of General Manager (“GM”) in one of Defendant’s restaurant locations.
8. Throughout Plaintiff’s employment with Defendants, her performance met or exceeded Defendants’ reasonable expectations.
9. On July 25, 2020 Plaintiff was working at the Chipotle restaurant location at 215 N. Broadway, Hicksville, New York (the “Hicksville location”)
10. Plaintiff was working with Christian Aguilar (“Aguilar”), the GM of the Hicksville location, when she overheard a telephone conversation in which Aguilar told the other party in the conversation that Plaintiff purportedly was not efficient, that Defendants should

look for someone to replace her, and stated further “WHAT DO YOU EXPECT FROM A DYKE.”

11. Aguilar’s use of the word “Dyke” was a slur related to Plaintiff’s sexual orientation.
12. Plaintiff immediately objected to Aguilar’s slur against her sexual orientation, but Aguilar did not respond to Plaintiff’s objections and remained silent.
13. Plaintiff left the restaurant and received a phone call, and then a text from Field Leader Scott McMillan (“McMillan”), Aguilar’s supervisor.
14. Plaintiff informed McMillan via text message of what had happened with Aguilar and that she had left the restaurant as a result of the slur.
15. McMillan did not respond to Plaintiff’s text.
16. Plaintiff then left a voicemail message with Defendants’ Human Resources Department informing them of the above incident and requesting that the Human Resources Department contact her.
17. Defendants’ Human Resources Department did not contact Plaintiff until July 28, 2020, when Plaintiff received an e-mail from that Department containing an exit interview. The HR e-mail asked Plaintiff what happened and whether she needed someone to contact her.
18. Plaintiff responded, again advising the HR Department of the above incident involving Aguilar, and asked that someone contact her for more detail. Plaintiff additionally advised that she did not want to lose her job, wanted to speak to someone, and wanted to resolve the situation and return to work.
19. However, neither McMillan or the HR Department ever contacted Plaintiff again, and never made arrangements for Plaintiff to return to work.

**AS A FIRST CAUSE OF ACTION
FOR DISCRIMINATION UNDER THE NYSHRL**

20. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.
21. New York Executive Law § 296 (a) provides that it is an unlawful discriminatory practice:

For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.
22. As described above, Defendants discriminated against Plaintiff, and constructively discharged her on the basis of her sexual orientation in violation of the NYSHRL.
23. Defendants' conduct towards Plaintiff subjected Plaintiff to inferior terms, conditions and privileges of employment.
24. Defendants' unlawful conduct towards Plaintiff amounted to more than "petty slights or trivial inconveniences."
25. As a result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, economic loss, for which she is entitled to an award of monetary damages and other relief.
26. As a result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which she is entitled to an award of monetary damages and other relief.
27. Defendants' unlawful discriminatory actions constitute malicious, willful, and wanton

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violations of the NYSHRL, for which Plaintiff is entitled to an award of damages.

JURY DEMAND

28. Plaintiff requests a jury trial on all issues to be tried.

WHEREFORE, Plaintiff respectfully requests a judgment against Defendants:

- A. Declaring that Defendants engaged in unlawful employment practices prohibited by the New York State Human Rights Law, New York State Executive Law, § 296 (“NYSHRL”) in that Defendants discriminated against Plaintiff on the basis of her sexual orientation;
- B. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendant’s unlawful discrimination and retaliation, and to otherwise make her whole for any losses suffered as a result of such unlawful employment practices;
- C. Awarding Plaintiff compensatory damages for mental, emotional and physical injury, distress, pain and suffering and injury to her reputation in an amount to be proven;
- D. Awarding Plaintiff punitive damages;
- E. Awarding Plaintiff attorneys’ fees, costs, disbursements, and expenses incurred in the prosecution of the action;
- F. Awarding Plaintiff such other and further relief as the Court may deem equitable, just and proper to remedy the Defendants’ unlawful employment practices.

Dated: Garden City, New York
May 9, 2022

**PHILLIPS & ASSOCIATES,
ATTORNEYS AT LAW, PLLC**

By: _____/s/ _____
Cathryn Harris-Marchesi, Esq.
Darnisha A. Lewis-Bonilla, Esq.
Attorneys for Plaintiff
585 Stewart Ave, Suite 410
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

RECEIVED - NYCOFF - 05/27/2022

Attorney: PHILLIPS & ASSOCIATES PLLC

JESSICA FREEMAN

Plaintiff(s)

- against -

CHIPOTLE MEXICAN GRILL, INC., ETANO

Defendant(s)

The papers served bore the index # and date of filing.

Index # 606045/2022

Purchased May 9, 2022

AFFIDAVIT OF SERVICESTATE OF CA : COUNTY OF Orange ss:Nathan Willingham BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES AT Tustin, CA 92780

That on May 18, 2022 at 01:45 PM at

610 NEWPORT CENTER DRIVE, SUITE #1300
NEWPORT BEACH, CA 92660

deponent served the within SUMMONS AND COMPLAINT WITH NOTICE OF ELECTRONIC FILING (MANDATORY) on CHIPOTLE SERVICES LLC D/B/A CHIPOTLE MEXICAN GRILL therein named,

BY LEAVING A TRUE COPY WITH BLAKE TAYLOR, CORPORATE SECURITY, BEING AUTHORIZED TO ACCEPT LEGAL PAPERS STATED.

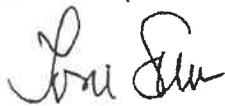
Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
MALE	BLACK	BLACK	35	5'11	180

Sworn to me on:

May 20, 2022

Notary:



Server:

Nathan Willingham

Invoice #: 785469

UNITED PROCESS SERVICE, INC., 225 BROADWAY, SUITE 440, NEW YORK, NY 10007 - (212) 619-0728 NYCDA#1102045

FILED: NASSAU COUNTY CLERK 05/27/2022 09:16 AM**SUPERIOR COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU**

Attorney: PHILIPSE & ASSOCIATES PLLC

FILED: NASSAU COUNTY CLERK 05/27/2022

JESSICA FREEMAN**Plaintiff(s)**

The papers served bore the index # and date of filing.

- against -

Index # 606045/2022

CHIPOTLE MEXICAN GRILL, INC., ETANO**Defendant(s)**

Purchased May 9, 2022

Mail Date May 24, 2022

AFFIDAVIT OF MAILING

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

CHRISTOPHER J. KLEIN BEING DULY SWEORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on May 24, 2022 at a regular depository maintained by the United States Post Office deponent mailed a copy of the SUMMONS AND COMPLAINT WITH NOTICE OF ELECTRONIC FILING (MANDATORY) to CHIPOTLE SERVICES LLC D/B/A CHIPOTLE MEXICAN GRILL at

610 NEWPORT CENTER DRIVE, SUITE #1300
NEWPORT BEACH, CA 92660

Copy was mailed REGULAR FIRST CLASS MAIL, and was marked personal & confidential and not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

Sworn to me on: May 24, 2022

JOSEPH KNIGHT
Notary Public, State of New York
No. 01KN6178241
Qualified In New York County
Commission Expires November 26, 2023

VINETTA BREWER
Notary Public, State of New York
No. 01BR4949206
Qualified in Bronx County
Commission Expires April 3, 2023

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Commission Expires February 10, 2026


CHRISTOPHER J. KLEIN
 License #: 1188546
 Invoice #: 785469

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF _____

**STATEMENT OF AUTHORIZATION FOR
 ELECTRONIC FILING**

(Managing Attorney/Attorney in Charge for
 Multiple Attorneys, In Firm/ Agency)

I, William K Phillips, Esq. (Attorney Registration No. 2743540), am the managing attorney or attorney in charge of e-filing for the law firm/agency or department ("the Firm") T Phillips Associates. I hereby acknowledge that T Phillips Associates ("the filing agent") has registered as an authorized filing agent user of the New York State Courts Electronic Filing System ("NYSCEF") (User ID WK Phillips). Further, I represent that the attorneys in the Firm who are authorized users of the NYSCEF system hereby authorize the filing agent to file documents on their behalf and at their direction in any e-filed matter in which they are counsel of record through NYSCEF, as provided in Section 202.5-b(d)(1) of the Uniform Rules for the Trial Courts.

This authorization extends to any matter in which these attorneys have previously consented to e-filing or may hereafter consent and to any matter in which they authorize the filing agent to record consent in the NYSCEF system. This filing authorization extends to any and all documents these attorneys generate and submit to the filing agent for filing in any such matter. This authorization, posted once on the NYSCEF website as to each matter in which these attorneys are counsel of record, shall be deemed to accompany any document in that matter filed by the filing agent on behalf of these attorneys.

Where a document intended for filing includes secure information as set forth in the E-Filing Rules, the attorney will notify the filing agent and direct the filing agent to mark that document Secure in the NYSCEF system. These attorneys further authorize the filing agent to view such Secure documents that they have filed or that they generate and submit to the filing agent for filing in any such matter.

This authorization shall continue until the Firm or attorney revokes the authorization in writing on a prescribed form delivered to the E-Filing Resource Center.

Dated: 6/24/14

Signature

William K. Phillips

Print Name

Managing Member

Firm/Department

45 BROADWAY

Street Address

NY NY 10006

City, State and Zip Code

212-248-7431

Phone

WK Phillips@TPGLAWS.COM

E-Mail Address

FILED: NASSAU COUNTY CLERK 06/02/2022 01:21 PMSUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

Attorney: PHILIPPS & ASSOCIATES PLLC/2022

JESSICA FREEMAN

Plaintiff(s)

- against -

CHIPOTLE MEXICAN GRILL, INC., ETANO

Defendant(s)

The papers served bore the index # and date of filing.

Index # 606045/2022

Purchased May 9, 2022

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

STEVEN C. AVERY BEING DULY SWORN DEPOSES AND SAYS DEONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on May 24, 2022 at 10:58 AM at

C/O CORPORATION SERVICE COMPANY
80 STATE STREET
ALBANY, NY12007

deponent served the within SUMMONS AND COMPLAINT WITH NOTICE OF ELECTRONIC FILING (MANDATORY) on CHIPOTLE MEXICAN GRILL, INC. therein named,

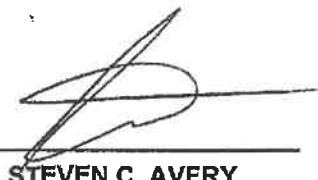
CORPORATION a DOMESTIC corporation by delivering thereat a true copy of each to **LEGAL REPRESENTATIVE OF CSC** personally, deponent knew said corporation so served to be the corporation described in said SUMMONS AND COMPLAINT WITH NOTICE OF ELECTRONIC FILING (MANDATORY) as said Defendant and knew said individual to be AUTHORIZED to accept thereof.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
MALE	WHITE	RED	40	6'2	220

BY SERVING SAME ON ITS AUTHORIZED AGENT

Sworn to me on: May 27, 2022

JOSEPH KNIGHT
Notary Public, State of New York
No. 01KN6178241
Qualified In New York County
Commission Expires November 26, 2023VINETTA BREWER
Notary Public, State of New York
No. 01BR4949206
Qualified in Bronx County
Commission Expires April 3, 2023JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Commission Expires February 10, 2026
STEVEN C. AVERY

Invoice #: 785470